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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,293	02/05/2004	Kazuyo Ikeda	000862.023447.	4458
5514	7590	05/13/2008	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112		PATEL, JAYESH A		
		ART UNIT		PAPER NUMBER
		2624		
		MAIL DATE		DELIVERY MODE
		05/13/2008		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/771,293	IKEDA, KAZUYO	
	<b>Examiner</b>	<b>Art Unit</b>	
	JAYESH A. PATEL	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 February 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 6,8-11 and 19-21 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7,12-18 and 22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/08, 01/08</u> .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's amendment filed 01/29/2008 have been entered and made of record. The applicant argues on page 11 that Niblack does not disclose or suggest displaying a candidate image including a partial image which corresponds to a search condition, while emphasizing the partial image, the examiner disagrees. First of all the Examiner never said that Niblack discloses the above limitations. Claim 1 was rejected under 35 USC 103 Niblack in view of Yang. It is Yang that emphasizes (**a reduced image is enlarged or emphasized or displayed surrounded by a black boundary, Figs 2-3**) the partial image (**portion of a candidate image**) as stated in previous rejection of Claim 16. Enlarging an image is one way of emphasizing an image where the image details are magnified and outlined or revealed. The remarks on page 9, about a specific type of emphasis (**such as dotted or edged thick lines**) are not recited in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Requirement for Information***

2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information that is known by the applicant and the assignee of this application:

The application claims the benefit of or claims priority to the Japanese application number JP 2003-029668. The IDS (1449) shows an office action dated October 19 2007 has been received. Please provide an English translation of the office action in order to be considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, 12-15, 18, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niblack (US 6182069) hereafter Niblack in view of Yang et al (US 20020025084) hereafter Yang.

Regarding claim 1, Niblack discloses an image search apparatus (**Fig 1**) which searches for an image, the apparatus comprising: image storage means for storing a plurality of images (**Fig 1 Element 36 which stores pluralities of images**);

region information storage means (**Fig 1 Element 34 which stores thumbnails or partial images**) for storing partial images included in the respective images stored in the image storage means in correspondence with the respective images;

region feature storage means (**Fig 1 Element 35 which stores image features of the partial images or thumbnails**) for storing features of the partial images stored in the region information storage means in correspondence with the partial images;

receiving (**query search in the QBIC**) means for receiving a feature of a search target image as a search condition to search for an image (**Fig 1 Element 23 which is query window used for receiving the search condition Col 3 Lines 54-55**);

search means for searching for an image including a partial image which contains the feature received by said receiving means as a candidate image (**Fig 1 Element 32 QBIC Engine which searches for a candidate image including a partial image or thumbnail images Col 4 Lines 6-18**). Niblack discloses the Display (**Fig 1 Element 13 to display the candidate image**). Niblack however do not disclose search result display means for displaying candidate image which corresponds to said search condition, while emphasizing the partial image included in the candidate image.

Yang in (**Fig 2-3,Page 1 Para 5,Page 4 Para 47,48,53,54 and Page 5 Para 65**) disclose wherein said search result display means displays a reduced

image of the candidate image while emphasizing (**a reduced image is enlarged or emphasized or displayed surrounded by a black boundary, Figs 2-3**) the partial image included in the candidate image. Yang discloses in Sections 1 and 2 of fig 2 where an I<sub>211</sub> is enlarged to Img 2 (**as shown in the dotted line with circled 2**). Niblack and Yang are combinable because they are from the same field of endeavor and are analogous art. The suggestion/motivation is that the enlargement method and apparatus has an advantage of speed and low operational cost in Para 18 by enlarging the reduced size image at the server as disclosed by Yang. Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Takashima with Niblack as specified in the claim.

Regarding Claim 2, Niblack and Yang disclose the apparatus according to claim 1. Niblack further discloses wherein when a plurality of candidate images are obtained on the basis of a search result, said search result display means displays reduced images of the plurality of candidate images in the form of a list (**Element 13, Fig 6 Col 8 Lines 29-42, fig 9 Col 10 Lines 17-25 and Col 18 Lines 24-28**).

Regarding claim 3, Niblack and Yang disclose the apparatus according to claim 1. Yang further discloses wherein said search result display means displays the candidate image upon enlarging a plurality of partial images included in the

candidate image at (**Fig 2-3 where the display shows the enlarged partial images of the candidate image**). Yang and Niblack are combinable because they are from the same field of endeavor and are analogous art of image processing. The suggestion/motivation to combine would be the cost reduction in the apparatus as no special load is required at the server side (**query image storage and retrieval**) for providing an enlarged image (**Para 0019 page 2**). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine Yang with Niblack to obtain the invention as specified in the claim.

Regarding Claim 4, Niblack and Yang disclose the apparatus according to Claim 1. Yang further disclose characterized in that said search result display means synthesizes a plurality of partial images from the plurality of images (**plurality of partial images are plurality of images**) to generate a new single partial image, and displays the new single partial image as a reduced image (**one resolution lower or thumbnail**) in Fig 2-3 where the server transmits the pluralities of partial images 211,212,221 and 222 to form a synthesized single partial image 2 in Fig 2. Furthermore if the client designates a particular region (**Img 211**) in the displayed image (**Img 2**) to request an enlarged image against the corresponding region, the server sequentially transmits to the client segmental images (**Img 311-322**) necessary for displaying **the designated** region out of the segmental images forming an image (**Img 300**). This shows that

upon enlarging segment Img 211 the server sends the reduced in resolution image. This is shown in (**Fig 2 section 3 and section 1**).

Regarding claim 5, See the explanation of Claim 4. Also see the ranked enlarged images are displayed in Fig 2 which is a positional relationship.

Regarding claim 7, Niblack and Yang disclose the apparatus according to claim 1. Yang further discloses wherein sizes of a plurality of partial images from the plurality of images are unified (**brought into single unit of image**) to a predetermined size (**Resolution at Para 0051-0055**) and (**the shapes rectangular or square as a shape Para 0084 which have predetermined size**).

Regarding Claim 12, Niblack and Yang disclose the apparatus according to claim 1. Yang further disclose wherein said search result display means alternately displays a plurality of candidate images at the same position one by one in an automatic manner (**Fig 2-3 and Page 6 Para 83 display images are viewed repeatedly**).

Regarding Claim 13 see the explanation of Claim 12.

Regarding Claim 14, Niblack and Yang disclose the apparatus according

to claim 1. Yang further disclose wherein said search result display means displays the candidate image in an area with a predetermined size (**Resolution at Para 0051-0055**) and (**the shapes rectangular or square as a shape Para 0084 which have predetermined size**).

Regarding Claim 15, Niblack and Yang disclose the apparatus according to claim 1. Yang further disclose wherein said search result display means displays a circumscribed rectangular image surrounding each partial image searched out by said search means as seen in (**Fig 2 where the images are circumscribed with a rectangle**).

Claim 18 is a corresponding method claim of Claim 1. See the explanation of Claim 1.

Claim 22 is a corresponding computer readable recording medium claim of Claim 1. See the explanation of Claim 1.

**4.** Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niblack in view of Yang and in further view of Nakao (US 6330001) hereafter Nakao.

Regarding Claim 16, Niblack and Yang disclose the apparatus according to claim 1. Niblack and Yang disclose various display methods

however do not disclose wherein said search result display means displays a reduced image of the candidate image while superimposing the emphasized partial image on the candidate image.

Nakao disclose wherein said search result display means displays a reduced image of the candidate image while superimposing the emphasized partial image on the candidate image in (**Figs 4 and 7 Col 2 Lines 51-67 where the display image plus the partial image is the superimposing of two images**). Niblack,Yang and Nakao are combinable because they are analogous art. The suggestion/motivation would be the image position adjustment to adjust the alignment between two images for pleasing appearance (**Col 1 Lines 5-29**). Therefore it would be obvious for one of ordinary skill in the art at the time the invention was made to combine Niblack,Yang with Nakao to get the claimed invention.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niblack in view of Yang and in further view of Brown et al. (US 6356908) hereafter Brown.

Regarding Claim 17, Niblack and Yang discloses the apparatus according to claim 1. Niblack also disclose region feature storage means stores, as a feature of the image, at least one of concept information expressing a concept obtained from the partial image in (**Fig 5**). Niblack however do not disclose

wherein the region feature storage means stores, as a feature of the image, at least one of concept information expressing the concept obtained from the partial image, text information expressing the concept of the partial image and an image feature expressing a feature of the partial image.

Brown discloses wherein the region feature storage means stores, as a feature of the image, at least one of concept information expressing the concept obtained from the partial image, text information expressing the concept of the partial image and an image feature expressing a feature of the partial image.

**(Fig 5,6 and Figs 9 and 10).** Brown discloses presenting a set of thumbnail images of the linked pages in the database near the links to the linked pages at **(Col 2 Lines 18-20)**. Niblack, Yang and Brown are combinable because they are from the same field of endeavor and are analogous art. The suggestion/motivation would be that a textual name followed by a short textual description of the linked page does not provide sufficient information to enable one to make an intelligent decision as to open the link at **(Col 1 Lines 55-59)** disclosed by Brown. Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Brown in the Query system and method of Niblack and Yang to get the claimed invention.

***Other cited prior art***

6. The other relevant prior art to the subject matter not relied on are (US 6700612) and (US 5761655).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAYESH A. PATEL whose telephone number is (571)270-1227. The examiner can normally be reached on M-F 7.00am to 4.30 pm (5-4-9). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on

571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

05/09/2008

/Jayesh A Patel/  
Examiner, Art Unit 2624

**/YOSEF KASSA/  
Primary Examiner, Art Unit 2624**